IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 3988 of 2005

Between:

1 C.H. Balamallu, S/o. Komaraiah,
A.M.C. Market Yard, Secunderabad.
2 Goli Shiv Kumar, S/o. Goli Devender,
A.M.C. Market Yard, Secunderabad.
3 K. Srisailam, S/o. K. Siddiramappa,
A.M.C. Market Yard, Secunderabad.
4 R. Bhadrappa, S/o. Basappa,
A.M.C. Market Yard, Secunderabad.
5 M. Lingeswar, S/o. Veerappa,
A.M.C. Market Yard, Secunderabad.
6 Miryala Ramesh Kumar, S/o. Miryala Eswaraiah,
A.M.C. Bownepally Market Yard, Secunderabad.
7 Dasarath, S/o. Late Narasimha Rao,
A.M.C. Bowenpally Market Yard, Secunderabad.
8 Bitla Amarnath, S/o. Late B. Keshava Rao,
A.M.C. Bowenpally Market Yard, Secunderabad.
9 Bitla Sanjay Kumar, S/o. Bitla Narsing Raj,
A.M.C. Bowenpally Market Yard, Secunderabad.
10 M. Mallesh, S/o. Somaiah,
A.M.C. Market Yard, Secunderabad.
11 G. Bhadrappa, S/o. G. Shankarappa,
A.M.C. Market Yard, Secunderabad.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, rep. by its Secretary,
Agriculture & Coopertation (Marketing-II), Department,
Secretariat Builidngs, Hyderabad.
2 The Commissioner and Director of Marketing, BRKR Bhavan,

Hyderabad.
3 The Secretary, Agricultural Market Committee,
Bowenapally Market Yard, Secunderabad.
4 Secunderabad Monda Market Vegetable Welfare Traders
Association Regd. No. 5638 of 2001 per its President
A. Shankar Yadav, R/o. 9-2-412, Regimental Bazar,
Secunderabad
5 Vegetable Commission Agents Welfare Association, Regd.
No. 2580/1988 per its Secretary M.Ramachandra Reddy
RR 4&5 are impleaded as per court order dt. 23-3-2005 in
WPMPs 6131/05 and 6133 of 2005 respectively

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring G.O.Ms.No. 18, Agriculture and Cooperation (Marketing II-2) Department, dt. 5-2-2005 issued by the first respondent, where under allotment of shops at Bowenapally was ordered, as arbitrary, illegal, improper, unjust and contrary to law and further direct the respondents to evolve a policy or guidelines in the matter of allotment of vacant shops at Bowenapally market yard or to put all the shops to public auction in the interest of justice and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.N.BHARAT BABU

Counsel for the Respondents: GP FOR AGRICULTURE

The Court made the following :

HONOURABEL SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 3988 of 2005

ORDER:

The petitioners question the action of the 1st respondent-Secretary, Agriculture & Cooperation (Marketing-II) Department, Government of Andhra Pradesh, Hyderabad, with regard to the allotment of shops at Bowenapally, by issuing the G.O.Ms.No.18, dated 05-02-2005, prescribing certain guidelines for the allotment of certain shops in Bowenapally Market Yard to some of the vegetable traders of the Monda Market, Bharat Nagar Commission Agents, at Bowenapally Market Yard and putting the remaining 5 shops of A-type to the public auction.

2. The learned counsel for the petitioners submits that though the petitioners have questioned the manner of allotment in the said G.O., but, in view of para-9 of the counter-affidavit filed by the 3rd respondent-Secretary, Agricultural Market Committee, Bowenapally Market Yard, Secunderabad, without further questioning the validity of the said G.O., dated 05-02-2005, they requested to dispose of the writ petition with an observation made in para 9.

3. Para-9 of the counter-affidavit, which is germane for consideration, reads as follows:-

> " It is submitted that as admitted by the petitioner in para 6 of the affidavit that there is vacant land of Ac.20-00 apart from existing shops. If the vacant land is sought to be allotted in favour of the petitioners that may as well approached the 2nd respondent, so that they can construct their own shops at their own cost. The allotments were made in confirmative with the G.O.Ms.No.233, dated
> 03-09-2001. Under the circumstances explained above, the petitioners have an alternative remedy to approach the 2nd respondent even now for redressal of their grievance and there is no *prima facie* case in favour of the petitioners."

4. On a perusal of the counter-affidavit and on considering the submission made by the learned counsel for the petitioners, without expressing any opinion on the merits of the case, I dispose of the writ petition in view of the aforesaid counter.

5. Accordingly, the writ petition is disposed of giving liberty to the respondents to complete the allotment, which is in the subject matter of the writ petition, in accordance with G.O.Ms.No.18, dated 05-02-2005. It is needless to mention that the petitioners can approach the 2nd respondent for allotment of the vacant site stated to be available for construction of the shops thereon by the petitioners. The status-quo order obtained in W.P.M.P.No.581 of 2005, dated 02-03-2005, shall stand vacated. There shall be no order as to costs.

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April 5, 2005

Note:

Issue C.C. in two days.

B/o.

Kvr

To

1 The Secretary, Government of Andhra Pradesh,
Agriculture & Coopertation (Marketing-II), Department,
Secretariat Builidngs, Hyderabad.
2 The Commissioner and Director of Marketing, BRKR Bhavan,
Hyderabad.
3 The Secretary, Agricultural Market Committee,
Bowenapally Market Yard, Secunderabad.
4 The President, A. Shankar Yadav, R/o. 9-2-412, Regimental
Bazar, Secunderabad, Secunderabad Monda Market
Vegetable Welfare Traders , Association, Regd. No. 5638 of
2001.

5 Vegetable Commission Agents Welfare Association, Regd.
No. 2580/1988 per its Secretary M.Ramachandra Reddy
RR 4&5 are impleaded as per court order dt. 23-3-2005 in
WPMPs 6131/05 and 6133 of 2005 respectively.

6 Two C.Cs to the GP for Agriculture, High Court of AP

Buildings, AP High Court, Hyderabad (O.U.T.).

7 Two C.D.Copies.